

**From:** Perry, Philip  
**To:** 'microsoft.atr(a)usdoj.gov'  
**Date:** 1/23/02 10:56am  
**Subject:** Microsoft Settlement

To whom it may concern:

I'm a computer programmer who works with Microsoft technology at work, and Linux at home. As one who works with both technologies, I think I'm somewhat familiar with Microsoft and how it affects other companies and competition in my industry. And, I'm writing to tell you that settling the case with Microsoft is a bad idea. A really bad idea.

First of all, Microsoft wants above all else to put this case behind it and get back to its main business -- squelching innovation by other companies. I've been following this field for years now, since at least 1991, and this company is absolutely without scruple. Whenever they think even a tiny bit of profit may be squeezed out of a potential business, they move in, buy up any companies they can and destroy any companies they can't buy, and seize control of it. This destroys competition, and consumers like me have to settle for Microsoft's inferior version of whatever technology is being seized. It's happened again and again, and now with XP it's happening with media players and plugins. If you look over the situation, you'll see that this company isn't going to stop its behavior unless you, in the DOJ, force it to. They're even breaking into the market for appliances -- their XBox is only a first step, the end result of which will be Microsoft products throughout a person's home, and the destruction of competition in a number of other industries like the appliance industry (do you really want to end up with a Microsoft refrigerator? Do you want a Microsoft television? What will Microsoft be able to do to competitors when it is able to levy that much reach into a users home? And, don't kid yourself about this being a natural result of their current efforts -- their manufacturing facilities are able to tool up for any product at all rather quickly, primarily because they outsource everything instead of trying to build it themselves). The sooner you realize that the XBox's radically new manufacturing approach (outsourcing the manufacturing and design, etc) is almost certainly a pilot program for future plans. If it succeeds, there's no telling how far they can take this. I for one don't want to be stuck with only one manufacturer for computers and appliances, and I don't think you want to be either. But if Microsoft isn't dealt with now, that's exactly what's going to happen in a few years.

Consider this: if Microsoft really thought your settlement would hamper their anticompetitive efforts, would they be willing to sign it in the first place? Of course not -- they think they've negotiated a way out, and you're going to give it to them if you go through with this settlement. And, remember what happened the last time a conduct remedy was levied. It was broadly ignored.

Please, for the sake of the industry, IT workers, and end users in general, don't agree to a settlement. Pursue this case. Let history remember you as a DOJ that had grit, and followed through on your work, rather than as the DOJ that accepted a settlement with no teeth, allowing Microsoft to further hurt the U.S. IT industry.

Thank you for your time,  
Philip Perry.